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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,738	01/08/2004	Mark Spencer Chamberlain	920076.401	1191

500 7590 10/30/2007  
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC  
701 FIFTH AVE  
SUITE 5400  
SEATTLE, WA 98104

EXAMINER
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RICCI, JOHN A

ART UNIT	PAPER NUMBER
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3711

MAIL DATE	DELIVERY MODE
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10/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/754,738

Applicant(s)

CHAMBERLAIN, MARK SPENCER

Examiner

John Ricci

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 and 15-17 is/are allowed.
- 6) ☒ Claim(s) 12 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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Upon further consideration, the indicated allowability of some claim(s) has been withdrawn.

\* \* \* \* \*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hibbs et al 5,810,284 in view of Jones 1,576,913, and Mabuchi 3,940,882.

Hibbs shows a flying wing, including an airfoil with no fuselage or horizontal stabilizers; and a motor enclosure 103, which houses a motor 225, and has an attached propeller, and extends a substantial distance of at least 20 percent from the edge of the airfoil (figure 3A, 5A). It appears that the propellers shown by Hibbs extend from the forward edge of the airfoil. However, it is conventional to mount propellers to extend aft of a trailing edge of an

airfoil. For example, Jones shows that a propeller may extend from a trailing edge of an aircraft. Placing the propeller at the rear of the aircraft would be a design choice. It would have been obvious to one of ordinary skill in the art to arrange the motor enclosure and propeller of Hibbs to extend from the rear edge of the airfoil, a distance of at least 20 percent of the propeller diameter, as suggested by Jones.

The aircraft of Hibbs appears to be powered by solar panels. However, it is conventional to power an aircraft by means of a battery; a battery may provide more power than solar panels, and can be used in dark conditions. For example, Mabuchi shows that an aircraft may include a battery 17, and an access opening on the underside of the aircraft. It would be obvious to include this battery and access opening on the aircraft of Hibbs.

\* \* \* \* \*

Claims 1-11, & 15-17 are allowed.

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

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independent form including all of the limitations of the  
base claim and any intervening claims.

\* \* \* \* \*

This letter was prepared by Examiner John Ricci, who  
can be reached at:

Voice: 571-272-4429

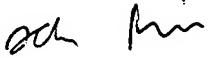
Fax: Use 571-273-8300 for papers to be delivered  
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Use 703-783-0439 for papers to be delivered directly to  
the Examiner, like informal or proposed responses for  
discussion, or notes in preparation for an interview.

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**JOHN RICCI**  
**PRIMARY EXAMINER**  
**ART UNIT 3711**